

**ZB# 05-55**

**Mt. Airy Estates  
(2029 Independence Dr.)**

**77-1-12**

05-55 MT. AIRY ESTATES (AREA)  
2029 INDEPENDENCE DRIVE(77-1)

ZONING BOARD OF APPEALS  
TOWN OF NEW WINDSOR  
555 UNION AVENUE  
NEW WINDSOR, N.Y. 12553  
Granted 11-14-05





05-15-15 MT. AIRY ESTATES (AREA)  
2029 INDEPENDENCE DRIVE(77-1-12)





**OFFICE OF THE BUILDING INSPECTOR  
TOWN OF NEW WINDSOR  
ORANGE COUNTY, NEW YORK**

**NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION**

**APPLICANT IS TO PLEASE CONTACT THE ZONING BOARD SECRETARY AT (845) 563-4630 TO  
MAKE AN APPOINTMENT WITH THE ZONING BOARD OF APPEALS.**

**DATE: June 28, 2005**

**APPLICANT: Mt Airy Est Inc  
15 Engle St. Suite 100  
Englewood, NJ 07631**

**PLEASE TAKE NOTICE THAT YOUR APPLICATION DATE: June 28, 2005**

**FOR : One Family House**

**LOCATED AT: 2029 Independence Drive**

**ZONE: R-3 Sec/Blk/ Lot: 77-1-12**

**DESCRIPTION OF EXISTING SITE: Vacant land**

**IS DISAPPROVED ON THE FOLLOWING GROUNDS:**

- 1. Proposed new one family house will not meet minimum rear yard set-back of 30'. This is a corner lot.**

  
BUILDING INSPECTOR

PERMITTED

PROPOSED OR  
AVAILABLE:

VARIANCE  
REQUEST:

ZONE: **R-3**    USE: **Approved Site Plan**

MIN LOT AREA:

MIN LOT WIDTH:

REQ'D FRONT YD:

REQ'D SIDE YD:

REQ'D TOTAL SIDE TD:

REQ'D REAR YD:                      30'                      13'                      17'

REQ'D FRONTAGE:

MAX BLDG HT:

FLOOR AREA RATIO:

MIN LIVABLE AREA:

DEV COVERAGE:

cc: Z.B.A., APPLICANT, FILE, W/ ATTACHED MAP



PLEASE ALLOW FIVE TO TEN DAYS TO PROCESS  
IMPORTANT  
YOU MUST CALL FOR ALL REQUIRED INSPECTIONS OF CONSTRUCTION

Other inspections will be made in most cases but those listed below must be made or Certificate of Occupancy may be withheld. Do not mistake an unscheduled inspection for one of those listed below. Unless an inspection report is left on the job indicating approval of one of these inspections it has not been approved and it is improper to continue beyond that point in the work. Any disapproved work must be reinspected after correction.

1. When excavating is complete and footing forms are in place (before pouring.)
2. Foundation inspection. Check here for waterproofing and footing drains.
3. Inspect gravel base under concrete floors and underslab plumbing.
4. When framing, rough plumbing, rough electric and before being covered.
5. Insulation.
6. Final inspection for Certificate of Occupancy. Have on hand electrical inspection data and final ~~sanitary~~ <sup>sanitary</sup> plot plan. Building is to be completed at this time. Well water test required and engineer's certification letter for septic system required.
7. Driveway inspection must meet approval of Town Highway Superintendent. A driveway bond may be required.
8. \$50.00 charge for any site that calls for the inspection twice.
9. Call 24 hours in advance, with permit number, to schedule inspection.
10. There will be no inspections unless yellow permit card is posted.
11. Sewer permits must be obtained along with building permits for new houses.
12. Septic permit must be submitted with engineer's drawing and perc test.
13. Road opening permits must be obtained from Town Clerk's office.
14. All building permits will need a Certificate of Occupancy or a Certificate of Compliance and here is no fee for this.

RECEIVED

SEP 12 2003

FOR OFFICE USE ONLY:  
Building Permit # 2003-1173

**AFFIDAVIT OF OWNERSHIP AND/OR CONTRACTOR'S COMP & LIABILITY INSURANCE CERTIFICATE IS  
REQUIRED BEFORE PERMIT WILL BE ISSUED**

PLEASE PRINT CLEARLY - FILL OUT ALL INFORMATION WHICH APPLIES TO YOU

Owner of Premises MT AIRE ESTATES  
Address 2029 INDEPENDENCE DRIVE Phone 908 208 1923  
Mailing Address 15 ENGLE ST ENGLEWOOD NJ  
Name of Architect APPEL DESIGN GROUP  
Address 2444 MORRIS AVE UNION NJ Phone 908 686 2230  
Name of Contractor NEW WINDSOR DEVELOPMENT COMPANY

Address 570 W. MT. PLEASANT AVE LIVINGSTON MT Phone 973-992-2443

State whether applicant is owner, lessee, agent, architect, engineer or builder BUILDER

If applicant is a corporation, signature of duly authorized officer.

af LUNGER  
(Name and title of corporate officer)

1. On what street is property located? On the W 2029 side of INDEPENDENCE DR.  
and 0 feet from the intersection of CHERRY TREE WAY

per Frank  
Muller  
9/17/68

2. Zone or use district in which premises are situated R3 Is property a flood zone? Y N

3. Tax Map Description: Section T7 Block 1 Lot 12

4. State existing use and occupancy of premises and intended use and occupancy of proposed construction.

a. Existing use and occupancy VACANT LAND b. Intended use and occupancy SINGLE FAMILY

5. Nature of work (check if applicable) ☒ New Bldg. ☐ Addition ☐ Alteration ☐ Repair ☐ Removal ☐ Demolition ☐ Other

6. Is this a corner lot? YES

7. Dimensions of entire new construction. Front 53'4 Rear 53'4 Depth 52'0 Height 28'0 No. of stories 2

8. If dwelling, number of dwelling units: 1 Number of dwelling units on each floor 1

Number of bedrooms 4 Baths 2 Toilets 3 Heating Plant: Gas 1 Oil 0  
Electric Hot Air 1 Hot Water 0 If Garage, number of cars 2

9. If business, commercial or mixed occupancy, specify nature and extent of each type of use

10. Estimated cost

\$80000

Fee

\$50.00

ck# 105068

CH#  
105068

**PAID**

\_\_\_\_/\_\_\_\_/\_\_\_\_  
date

APPLICATION FOR BUILDING PERMIT  
TOWN OF NEW WINDSOR, ORANGE COUNTY, NEW YORK  
Pursuant to New York State Building Code and Town Ordinances

Building Inspector: Michael L. Babcock  
Asst. Inspectors: Frank Llai & Louis Krychear  
New Windsor Town Hall  
555 Union Avenue  
New Windsor, New York 12553  
(914) 563-4618  
(914) 563-4693 FAX

Bldg Insp Examined \_\_\_\_\_  
Fire Insp Examined \_\_\_\_\_  
Approved \_\_\_\_\_  
Disapproved \_\_\_\_\_  
Permit No. \_\_\_\_\_

INSTRUCTIONS

- This application must be completely filled in by typewriter or in ink and submitted in duplicate to the Building Inspector.
- Plot plan showing location of lot and buildings on premises, relationship to adjoining premises or public streets or areas, and giving a detailed description of layout of property must be drawn on the diagram, which is part of this application.
- This application must be accompanied by two complete sets of plans showing proposed construction and two complete sets of specifications. Plans and specifications shall describe the nature of the work to be performed, the materials and equipment to be used and installed and details of structural, mechanical and plumbing installations.
- The work covered by this application may not be commenced before the issuance of a Building Permit.
- Upon approval of this application, the Building Inspector will issue a Building Permit to the applicant together with approved set of plans and specifications. Such permit and approved plans and specifications shall be kept on the premises, available for inspection throughout the progress of the work.
- No building shall be occupied or used in whole or in part for any purpose whatever until a Certificate of Occupancy shall have been granted by the Building Inspector.

APPLICATION IS HEREBY MADE to the Building Inspector for the issuance of a Building Permit pursuant to the New York Building Construction Code Ordinances of the Town of New Windsor for the construction of buildings, additions, or alterations, or for removal or demolition or use of property as herein described. The applicant agrees to comply with all applicable laws, ordinances, regulations and certifies that he is the owner or agent of all that certain lot, piece or parcel of land and/or building described in this application and if not the owner, that he has been duly and properly authorized to make this application and to assume responsibility for the owner in connection with this application.

NEW WINDSOR DEVELOPMENT COMPANY

By: [Signature]  
(Signature of Applicant)  
MT FIRE ESTIMATES, INC

570 W. MT PLEASANT AVE LIVINGSTON  
(Address of Applicant)

By: [Signature]

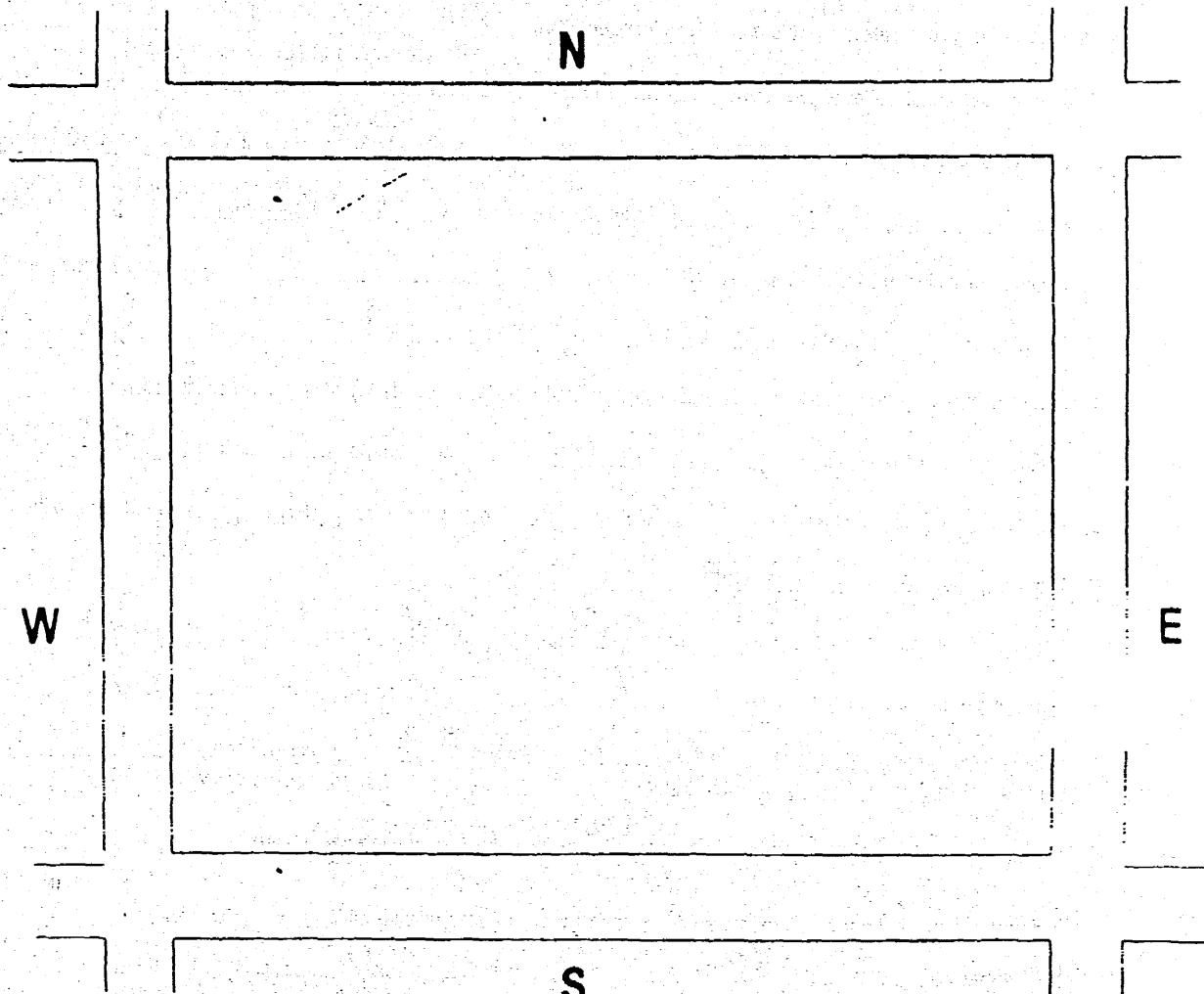
15 EGGLE ST ENGLEWOOD NJ

(Owner's Address)

# PLOT PLAN

**NOTE:**

Locate all buildings and indicate all set back dimensions. Applicant must indicate the building line or lines clearly and distinctly on the drawings.



**CHANCE**



cc - Hwy  
Rec'd  
Cantor  
with  
app

# Town of New Windsor WORK PERMIT FOR:

NUMBER 205-7003

WORK PERMIT AUTHORIZED:

WORK COMPLETED  
AND APPROVED:

DATE FEE BY DATE BY

<input checked="" type="checkbox"/> SEWAGE DISPOSAL FACILITIES	9-12	4700.			
<input checked="" type="checkbox"/> WATER WORKS	9-12	\$365			
<input type="checkbox"/> HIGHWAY/STREET OPENING					
<input checked="" type="checkbox"/> DRIVEWAY CONSTRUCTION	9-12	450			

DATE: 9.2.03 SEC: 77 BLOCK: 1 LOT: 12  
NEW WINDSOR DEVELOPMENT CO.  
OWNER'S NAME MT AIRE ESTATES BILLING ADDRESS 570 W. MT. PLEASANT AVE  
LIVINGSTON NJ 07031  
LOCATION (911/METER ADDRESS) 2029 Independence Dr.  
MUST HAVE 911 ADD. \$5 FOR PERMIT. 7E APPROVED

CONTRACTOR: NEW WINDSOR DEVELOPMENT CO EMERGENCY PHONE 908 208 1923  
CONTRACTOR'S NAME #16  
SEWER/WATER DISTRICT NO. # 8 NUMBER OF FAMILIES SERVED 1

## DESCRIPTION OF WORK (see specification sheets attached)

SEWAGE DISPOSAL & FACILITIES: SEWER HookUP

WATER INFORMATION: H<sub>2</sub>O HookUP

ACCT. # \_\_\_\_\_ METER # \_\_\_\_\_ REMOTE # \_\_\_\_\_

INSPECTION: DITCH \_\_\_\_\_ FINAL \_\_\_\_\_

HIGHWAY/STREET OPENING: \_\_\_\_\_

DRIVEWAY CONSTRUCTION: DRIVEWAY

**\*\*NOTE:** THE ISSUANCE OF THIS PERMIT WILL BEGIN YOUR QUARTERLY SEWER/WATER OPERATION AND MAINTENANCE BILLING.

Debra J. Goss  
TOWN CLERK

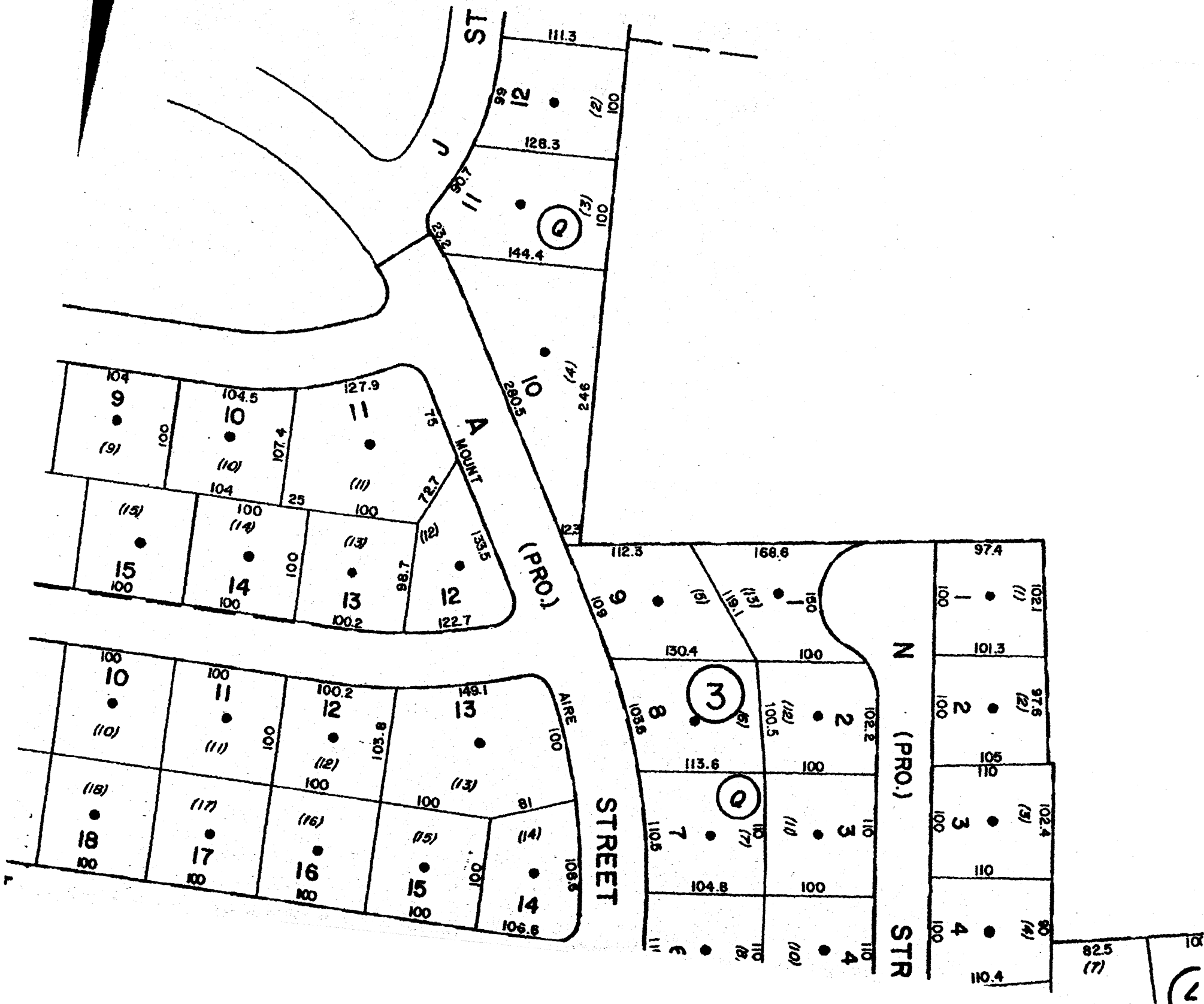
W. J. 7, AGENT  
OWNER, AGENT OR CONTRACTOR  
SIGNATURE

DATE: 9-18-03

1. Failure to comply with this ordinance is punishable by a fine of \$50.00 for each offense.
2. Prior to excavation, the contractor is required to notify the appropriate town department 24hrs in advance of any work.
3. All work must be done on the highway before 3:30 p.m.
4. To avoid delays, notify the town inspector 24 hrs. in advance for inspection
5. All facilities must be inspected prior to being backfilled.
6. All permits are valid for a period of one (1) year from the date of issuance.

SANITATION DEPT. (914) 561-2550 ..... [SANITARY SEWERS, SEPTIC SYSTEMS]  
WATER DEPT. (914) 563-4636 ..... [WATER LINES]  
UNDERGROUND UTILITIES - 1-(800)-742-1780 ..... [ELECTRIC, GAS, TELEPHONE]  
HIGHWAY DEPT. (914) 564-6660 ..... [HIGHWAY/STREET]  
BUILDING DEPT. (914) 563-4618 ..... [SEPTIC SYSTEMS]

COPIES TO: TOWN CLERK \_\_\_\_\_ APPLICANT \_\_\_\_\_ BUILDING DEPT. \_\_\_\_\_ SANITATION DEPT. \_\_\_\_\_  
WATER DEPT. \_\_\_\_\_ HIGHWAY DEPT. \_\_\_\_\_



**NEW WINDSOR ZONING BOARD OF APPEALS**

SBL: 77-1-12

In the Matter of the Application of

**MT. AIRY ESTATES, INC.**

**MEMORANDUM OF  
DECISION GRANTING**

**AREA**

**CASE #05-55**

**WHEREAS, Audrey Scott, Atty. of Jacobowitz & Gubitz, P.C. on October 24, 2005 and Tino Calinda of New Windsor Development Corp. on November 14<sup>th</sup>, 2005 , represented the owner(s) of 2029 Independence Drive, New Windsor, New York, 12553, has made application before the Zoning Board of Appeals for a/an Request for 17 ft. Rear Yard Setback for proposed single-family house at 2029 Independence Drive (corner lot) in an R-3 Zone (77-1-12)**

**WHEREAS, a public hearing was held on October 24, 2005 & November 14<sup>th</sup>, 2005 before the Zoning Board of Appeals at the Town Hall, New Windsor, New York; and**

**WHEREAS, the Applicant appeared on behalf of this Application; and**

**WHEREAS, there were four spectators appearing at the public hearing; and**

**WHEREAS, four persons spoke and two of those spoke in opposition to the Application; and**

**WHEREAS, a decision was made by the Zoning Board of Appeals on the date of the public hearing granting the application; and**

**WHEREAS, the Zoning Board of Appeals of the Town of New Windsor sets forth the following findings in this matter here memorialized in furtherance of its previously made decision in this matter:**

1. The notice of public hearing was duly sent to residents and businesses as prescribed by law and published in The Times Herald Record, also as required by law.
2. The Evidence presented by the Applicant showed that:
  - (a) The property is a vacant property located in a residential zone.
  - (b) This property was part of a subdivision and was originally an approved lot.
  - (c) The lot is triangular in shape and is located on the corner of two roadways.



- (d) The lot is part of a 500-unit subdivision previously approved by the Planning Board of which 350 lots have been built out, as well as all the amenities, including curb-cuts and roadways.
- (e) The applicant will not be removing any trees or substantial vegetation.
- (f) The applicant will not be creating the ponding or collection of water or diverting the flow of water drainage.
- (g) The lot could be utilized within the zoning law by creating a smaller house, but, the applicant seeks to construct a house which is similar in size and appearance with other houses in the subdivision.

**WHEREAS,** The Zoning Board of Appeals of the Town of New Windsor makes the following conclusions of law here memorialized in furtherance of its previously made decision in this matter:

1. The requested variance(s) will not produce an undesirable change in the character of the neighborhood or create a detriment to nearby properties.
2. There is no other feasible method available to the Applicant that can produce the benefits sought.
3. The variance(s) requested is/are substantial in relation to the Town regulations but, nevertheless, are warranted.
4. The requested variance(s) will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or zoning district.
5. The difficulty the Applicant faces in conforming to the bulk regulations is/are self-created but, nevertheless, should be allowed.
6. The benefit to the Applicant, if the requested variance(s) is/are granted, outweighs the detriment to the health, safety and welfare of the neighborhood or community.
7. The requested variance(s) are/is appropriate and are/is the minimum variance(s) necessary and adequate to allow the Applicant relief from the requirements of the Zoning Local Law and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.
8. The interests of justice will be served by allowing the granting of the requested area variance(s).

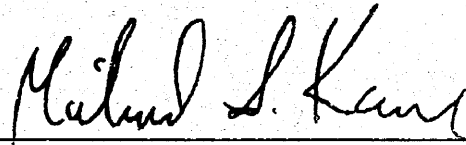
**NOW, THEREFORE, BE IT**

**RESOLVED**, that the Zoning Board of Appeals of the Town of New Windsor GRANT a request for a Request for 17 ft. Rear Yard Setback for proposed single-family house at 2029 Independence Drive (corner lot) in an R-3 Zone (77-1-12) as sought by the Applicant in accordance with plans filed with the Building Inspector and presented at the public hearing.

**BE IT FURTHER**

**RESOLVED**, that the Secretary of the Zoning Board of Appeals of the Town of New Windsor transmit a copy of this decision to the Town Clerk, Town Planning Board and/or Building Inspector and Applicant.

Dated: November 14, 2005

A handwritten signature in cursive script, reading "Michael S. Kaur", is written over a horizontal line.

Chairman



# **Town of New Windsor**

**555 Union Avenue  
New Windsor, New York 12553  
Telephone: (845) 563-4615  
Fax: (845) 563-4689**

## **OFFICE OF THE ZONING BOARD OF APPEALS**

March 27, 2006

Present Owners of  
2029 Independence Drive  
New Windsor, NY 12553

**SUBJECT: REQUEST FOR VARIANCE #05-55**

Dear Sir or Madam:

Please find enclosed two copies of the Formal Decision for your case before the Zoning Board of Appeals. Please keep these copies in your records for future reference if needed.

If you are in need of any further assistance or have any questions in this matter, please feel free to contact me at the above number.

Very truly yours,

---

**Myra Mason, Secretary to the  
NEW WINDSOR ZONING BOARD**

**MLM:mlm**

**cc: Michael Babcock, Building Inspector**



**TOWN OF NEW WINDSOR  
ZONING BOARD OF APPEALS  
RECORD OF CHARGES & PAYMENTS**



FILE #05-55

TYPE: AREA

TELEPHONE:

201-816-1200

**APPLICANT:**

Mt. Airy Estates

15 Engle Street - Suite 100

Englewood, NJ 07631

RESIDENTIAL:

\$ 50.00

CHECK # 109702

COMMERCIAL

\$ 150.00

CHECK # \_\_\_\_\_

INTERPRETATION

\$ 150.00

CHECK # \_\_\_\_\_

ESCROW:

RESIDENTIAL \$300.00

CHECK # 109703

~~~~~

**DISBURSEMENTS:**

MINUTES ATTORNEY  
\$5.50 / PAGE FEE

PRELIMINARY:

4 PAGES

\$ 22.00

\$ 35.00

2<sup>ND</sup> PRELIMINARY:

\_\_\_\_\_ PAGES

\$ \_\_\_\_\_

\$ \_\_\_\_\_

PUBLIC HEARING:

18 PAGES

\$ 99.00

\$ 35.00

PUBLIC HEARING:

8 PAGES

\$ 44.00

\$ 35.00

LEGAL AD: Publish Date: 10/13/05

\$ 48.22

TOTAL:

\$ 213.22

\$ 105.00

~~~~~

ESCROW POSTED:

\$ 300.00

LESS: DISBURSEMENTS:

\$ 318.22

AMOUNT DUE:

\$ 18.22 PAID CASH 01/19/06 (Marvin)

REFUND DUE:

\$ \_\_\_\_\_

Cc:

L.R. 01-20-06

*Marvin*  
*1/19/06*

PUBLIC HEARINGS:

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MT. AIRY ESTATES (05-55)

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Audry Scott, Esq. appeared before the board for this proposal.

MR. KANE: Request for 17 ft. rear yard setback for proposed single family house at 2029 Independence Drive.

MS. SCOTT: Good evening, my name is Audry Scott, I'm from the firm of Jacobowitz & Gubits on behalf of Mt. Airy Estates. Mr. Rosenzweig usually appears before you but he had a holiday today so that's why I'm here. If I understand your process, you have already had a preliminary meeting so is there any further information that you need from me?

MR. KANE: Actually, you have to go through the whole thing again in the public, it's just like it never happened, tell us exactly what you want to do.

MS. SCOTT: Well, this is the first of two similar rear yard area variance requests, I understand that the rear yard is 30 foot requirement and it would be a 17 foot encroachment resulting in a 13 foot rear yard. One corner of the house because of the nature of the lot it's a triangular shaped lot therefore one corner of the house will be encroaching into what has been determined to be the rear yard in this case and that's basically it in a nutshell.

MR. KRIEGER: Triangular shape for the record on a corner?

MS. SCOTT: Yes, corner lot.

MR. KRIEGER: Was this originally part of a subdivision?

MS. SCOTT: Yes, I understand it to be.

MR. KRIEGER: Do you know how many units were in the subdivision?

MS. SCOTT: That I don't know. Was that provided in the preliminary hearing?

MR. BABCOCK: Approximately 500, Mr. Chairman, 504, I think was the number.

MR. KRIEGER: How many have been built out?

MR. BABCOCK: Probably 300 to 350.

MR. KRIEGER: And all the utilities are in the roadways and all that?

MR. BABCOCK: Yes, in front of these two particular properties it's 100 percent complete.

MR. KANE: Cutting down any trees, substantial vegetation in the building of the house?

MS. SCOTT: As I understand it, it's a vacant lot.

MR. KANE: Creating any water hazards or runoffs?

MS. SCOTT: No.

MR. KANE: There's an easement that runs through the property but it's not affected by the house so that doesn't come into play. Is there any way to place this home on the property without the variance?

MS. SCOTT: I believe the only way to do it would be to make a smaller home.

MR. KANE: Substantially smaller.

MS. SCOTT: Yeah, I think the size of the home was specifically chosen so that it would be in keeping with the other homes already built in the subdivision.

MR. KANE: Do you know the square footage of it?

MS. SCOTT: Around 2,300 square feet this particular model.

MR. KANE: At this point, I will ask if there's anybody in the public for this particular hearing? Okay, hold on, please. We're just going to bring the sheet so we can get your name and address for the record. Okay, at this point, I'm going to open it up to the public, come up and state anything that you have or ask any question that you have at this point, try not to be repetitive and just state your name and address, speak clearly so this young lady can hear you. Come on up and take a look. Do you have any questions?

MS. DIAZ: My name is Christine Diaz, I live next door to the proposed lot here, my back yard would come into line with this yard, so I don't really know that I have questions so much as just to give you a little bit of history what we're talking about from our perspective, my husband and I purchased this lot and this home based on the recommendation from the salesperson at The Reserve because the lots around us had more land because it would not be as crowded as some of the others that are on quarter acre lots. The lot behind had almost half an acre so we built it specifically with that in mind. Our foundation was poured, they called us in and said we have miscalculated the corner lot so good for you, your foundation was poured, bad for us, we don't know what we're going to do with the lot, had our foundation not been poured, we moved you or made you buy both lots at the time so we cannot, we're first time home buyers and builders, we didn't know what that all meant, but we asked what would it

cost for us to buy the lot. We understood it's a small lot, no one ever got back to us with a price for the lot and we asked more than once. Well now that the mortgage is set and everything else that's not going to happen but at the time there was a possibility, you know, my ultimate certain is that you're talking 13 feet from my back yard and we're not talking side to side homes, if the house side to side was 13 feet, you could live with that but we're talking catty-corner back yard to back yard 13 feet, not a whole lot of privacy, very crowded. And I do wonder about some of the potential hazards that can occur from that, my understanding we looked into getting a shed, a shed has to be 8 feet from your property line but you're going to let a house be 13 feet from my property line so--

MR. KANE: We haven't said anything so you know that a home can be built on this piece of property if they just make it smaller without coming here at all? Just so you understand.

MS. DIAZ: I'm not saying the solution is not to build and I think there has to be a solution, I just don't know what it is. And we have to come up with it together, I think, because otherwise what we bought into isn't what is now being proposed. There are drainage issues on our lot between us and the people behind us, it's not graded properly, you can't mow the grass, you step on it, you sink in. So now we're going to build another property without fixing the problem that exists now. Ultimately our concern is the space, the crowdedness and the aesthetics of the neighborhood as well as any potential hazards that could exist with homes just being too close together. Certainly I don't want you to build a house there that looks like a shack, that's even going to be even worse off than that solution, so we need to look at the big picture and come to the table together with a solution. I don't know if that's going to happen here but those would be my concerns and questions at this point.



October 24, 2005

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MR. KANE: Okay.

MS. DIAZ: I don't think we should pay for miscalculation of land.

MR. KANE: That unfortunately has nothing to do with us here.

MS. DIAZ: I know but just to be on the record they miscalculated the land, you know, so now we pay the price five years from now when they're gone with our property value being affected adversely.

MR. KANE: So unfortunately I have to make it simple, are you for or against this proposal?

MS. DIAZ: I mean I don't know the difference.

MR. KANE: Sometimes it's a yes or no answer, I can't answer that, this is, we cannot tell.

MS. NEVIN: My name is Monique Nevin and I live at 2026 Independence Drive.

MR. KANE: And I'd like you to wait until this young lady is finished please. Thank you.

MS. DIAZ: I would like to see the home if anything set more towards the corner and at a diagonal as possible so that it does provide more room between their back yard and my back yard and that when you pull around the corner you're not looking at the side of a house but you're pulling around and you see the front of that house, aesthetically that might create a smaller driveway, I don't know what that impact is but at least it pushes it more towards the corner and less towards the two homes that are adjacent to the home.

MR. KANE: Thank you. Is that it?

MS. DIAZ: That's it for now.

MS. NEVIN: Monique Nevin, 2026 Independence Drive. I am not opposed to it, I also have the situation behind me with a house that was built particularly for the lot and my only concern is when these houses are going up on back yards that are so small I just don't understand how come there isn't something with the town that the people moving into these much smaller lots aren't given some kind of restriction because they get the house, they get the lot, they think they have all this land and in essence it's only 15 feet off a property line and they go in and, you know, they put up a shed or they want to build out because now the land is theirs and you're kind of stuck, you know, having something so close. And like she said when I went to put my pool in, you know, it had to be ten feet off the house, ten feet from the property line, not everybody honestly goes to the town and goes to a meeting, if they want a shed up, they're putting it up. If they get caught, they get caught. And the person who ends up living with it is us right on top of the property there and you don't want to be the one running to the town saying my neighbor has a shed up 3 feet off the fence, my neighbor put up the fence, you don't want to be the one always doing that but unfortunately we were told one thing and something else is going on.

MR. KANE: Okay.

MS. NEVIN: That's it.

MR. KANE: For or against?

MS. NEVIN: I'm not opposed to it.

MR. KANE: Sir?

MR. WALKER: Richard Walker, 2655 Liberty Ridge. My

concern is if this is approved and I live right across the street from this property and there's going to be another instance of a variance with a home being built on a lot that's too small, so I, if this is approved that's probably going to be approved and I'm against it, if I understand you correctly, it's for this particular home that was spec'd, they can come and build a smaller home.

MR. KANE: Sure.

MR. WALKER: And don't have to go through this procedure?

MR. KANE: Honestly on any lot that's in that subdivision you can expect they're going to try to put a home, it's already been approved for building, just a matter of what size goes on there and I guess this came to light because of the error they made over on your property, I'm not sure on the other parcel because we're not there yet, but I think that's why it's come to light with that thing, they're trying to correct it this way.

MR. WALKER: I would, right now I'm opposed to it if it were a different home, if they were to put a home that fit on the lot as opposed to trying to put a bigger home that does not fit just to keep up with the other homes I would not be opposed to it. But currently they're trying to squeeze a big home in a small lot, it's not going to look good and I agree that we're the community, they're in for a period of time, they're going to make their money and then they're out, they're going back to their community and they want their community to maintain a certain aesthetic pleasure, they moved to that community because they wanted something particular in their community. We want something particular in our community. We don't want homes jumbled together so I'm on the record as saying I'm opposed to it because I see, I don't want this to

October 24, 2005

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set a precedent.

MR. KANE: Thank you.

MR. PERCY: I'm Piere Percy, I reside at 2658 Liberty Ridge, I too am opposed to this entire idea. We have a letter one of the other neighbors prepared and we had people sign it.

MR. KANE: We'll have this read into the record. To the Town Board of New Windsor, 10/24/05, we're writing this letter to inform the Town Board of New Windsor Zoning Board Department that we're strongly opposed to the proposed variances for the addresses of 2029 Independence Drive and 2657 Liberty Ridge Road in the development, The Reserve. These lots are much smaller than the standard .25 acre lots of the other homes in the development. Furthermore, the homes proposed are three bedroom homes compared to the four bedroom homes throughout the development, building smaller homes on these lots will decrease the value of surrounding homes and will simply look cramped. There will be 400 homes in development when it's completed. Does the builder need the profits from two more homes that range from 2,500 to 3,000 plus square foot? The large majority of these homes are on quarter acre lots, not very big for the size homes that are being built. Moreover, they're tightly packed with four homes to an acre. We would greatly appreciate not squeezing anymore homes in on even smaller lots. Please take the feelings and opinions of the neighbors surrounding these lots, after all, we're the residents that are impacted the most. Thank you for your time and consideration, Mr. and Mrs. James Berkowitz, 2028 Independence Drive and I show 16 signatures of residents in that particular neighborhood. Thank you, sir.

MR. PERCY: I have some more information to provide. I have some serious concerns. Basically, I would be, if you look at the triangle, this would be my property

right here, the concern that I have is this, this subdivision was divided back in the '70s, the builder made an error, why should we be penalized for that? Personally, I feel I'm being cheated because I was offered .6 acres and I paid a premium for that, upon closing, I only got .4 acres, that's an issue I have to resolve. I will not go quietly. They already know my feelings. I wrote them a nice letter about that, they have to address that issue first. There's the issue about the easement on the water, the water district they did a very poor job of grading the place, I have water in my basement which I had to address last week. Whenever it rains even when people water their lawns I have a pool in the back of my house, I have this lake in the back of my house between our house and the Diaz house, we can't even walk back there. My kids couldn't play football there yesterday. I was afraid one of them was going to sink but, it's very muddy back there, the water wasn't, the drainage wasn't treated properly and they told me well, if you put grass on it, grass will absorb it. No, it hasn't done that at all. The water stays there, they have to address that. And one other concern that I have is they have a drain right here, one of the drains are right here, well, the house, the way the thing is done there's no way anything was going to drain into this without going into these people's property.

MR. KANE: Coming back down into this property in here?

MR. PERCY: Yeah because it slopes down, you can see it from the picture the whole property slopes down, I don't see why she should be rewarded for this mistakes, I'm missing .2 acres right now and I'm not pleased, they told me I have .57.

MR. KANE: I understand but this board can't do anything about that. All this board is here is to rule on the variance for what they're asking for in building that particular house so in this instance it's 17 feet

because they need 30 in the back and I believe they have 13.2. If we turn that down, that's, you know, which I'm not speaking for everybody here, just understand they can go in and build any house on that lot they want to as long as it meets whatever the zoning regulations are. So I just want to state that.

MR. PERCY: All right.

MR. WALKER: I have a question, sir, if they did not provide the proper acreage or space.

MR. KANE: Has nothing to do with this board.

MR. WALKER: I understand but I'm trying to understand how can they be allowed to build another home when that might impede on the actual property?

MR. KANE: It's a legal, honestly, a legal question for them, you know, and the only thing I can say you have to get a lawyer, go to court and have them stop building until you settle the issue, that would to me just as a citizen that's the only way I can see doing it. There's no town function that I know, correct me if I'm wrong, that can stop them from doing it because it's a legal piece of property right now so if there's a discrepancy on how much land belongs to one person not to the other that's a civil thing that needs to be taken to the courts.

MR. WALKER: Just wanted to clarify.

MR. KANE: It's a project that takes time for everything to go through, so if we deny them they could take that other route if they wanted to and in this day and age they probably would.

MS. DIAZ: Ultimately that's part of my concern is that if this is denied then they come back and say we'll show you and they build a ranch, that's not for you to

decide, I know, my question for the representative is you said the house was 2,300 square feet?

MS. SCOTT: As far as I understand to be, yes, I understand there's a couple of models.

MR. KANE: Also so you guys know this young lady wasn't here for the original proposition, I don't think she's got a hundred percent of the information at this point or at least personal knowledge.

MS. DIAZ: Well, I feel for you, that's not my, but so it's 2,300 square feet to your understanding and it's called a Laurel, do you know is the Ashbrook model smaller than the Laurel?

MS. SCOTT: I'm not sure, I'm sorry, I don't have that information.

MS. DIAZ: Because I think that would be part of the solution would be to look at one of the options to build the home that aesthetically still meets the community standards can be pushed a little further to the street away from the Percys and our property and still meet your needs of having a home there.

MR. KANE: Thank you.

MR. PERCY: I have one more point to make, well, one thing you mentioned setting up a standard in the community, the aesthetics and stuff, if one of the houses is cramped like this we moved from the Bronx, we didn't move all the way up here to have houses on top of houses on top of houses, they're building 500 of those things, they should finish one house first for once. All right, that's all I have to say.

MR. KANE: Thank you, sir. Anybody else for this particular hearing? At this point, I'll close the public portion of the hearing and bring it back to the

board. There seems to be obviously a lot of problems with the neighbors going on there, the only thing that I can offer as a resolution if you want and this would be totally your decision that is if you wanted us to table the vote on this until that, you can either get more information or maybe come up with a different design, speak to the neighbors. I will offer that to you or we can just go ahead and proceed with a vote on this particular property and go for the next one of which I'm assuming we're going to have the same reaction. That would give you, I just, you know, I want to offer you something to maybe work something out with the community over there that might be aesthetic for both parties involved or we can just go ahead with a vote.

MS. SCOTT: I think at this point I would like to hear from the board as far as what their opinion is on it and we'll go from there.

MR. REIS: Do you have a rendering or photo of what the intention of the builder is?

MS. SCOTT: The actual home itself?

MR. BABCOCK: I have one in the file if you'd like to see it.

MR. REIS: May we see that?

MS. SCOTT: I understand it will be similar as far as shingles, siding and coloring?

MS. LOCEY: Can I see the letter submitted by the residents?

MS. GANN: I was asking whether or not there are other homes with a different design less than 2,300 square feet that could possibly go into that lot.



MR. BABCOCK: Well, in talking to Marvin, he had about five different models, I can only assume he picked the smallest one. We told him at least one, I'm sure this board was going to ask that question, I mean, I don't know whether we did at the prelim or not but I don't know that for a fact, no.

MS. LOCEY: And we have a conflict in that some of the people are requesting a smaller size home so it is less of an impact on the homes surrounding them yet that letter indicates most homes in the development are 2,500 to 3,000 square feet and that the developer is now proposing 2,300 square feet or a three bedroom house as opposed to a four bedroom house and they're concerned that that will reduce the value of their home. So we have some people asking for a smaller size house and some people opposed to the smaller size house he has already proposed, that's why I wanted to look at that letter again.

MR. KANE: Right.

MR. REIS: This proposal is for a two car attached garage, perhaps part of a compromise might be in the footprint might be for a one car garage to get it more within the side yard.

MS. LOCEY: One of the standard questions that we review here on this board is will it cause any drainage problems and the gentleman whose house is adjacent to says he already has a drainage problem, now I don't know if we should be asking is this going to exacerbate that, make that existing problem even more.

MR. BABCOCK: Well, for your question the two car garage is on the wider end of the house that meets the setback.

MR. REIS: Perhaps flip it, Mike.

MR. BABCOCK: I guess.

MR. KANE: Just understand this, this young lady's not capable of making those kinds of decisions so basically--

MR. BABCOCK: The other thing is that these houses are situated and the driveways have to go where they are, it's all to do with the 911 numbering of the houses, the entrances of the driveways and which way the house faces, they don't have a choice on that, it has to be done that way. As far as the drainage, I didn't know that these people had a drainage problem, I can tell you that I will get involved in it now that I know they do. If this board makes any decision on this tonight I don't see why they can't lock the drainage into it, take care of the people's drainage.

MS. LOCEY: Also one of the ladies who spoke here this evening suggested that the house be relocated closer to the road or the sidewalk so it's further away from the two existing homes there. Will that make the amount of variance they need larger than what they have already requested?

MR. KANE: You also have to think of line of view since they're a corner property.

MR. BABCOCK: All the utilities are in the front, I don't know, I'm sure the house could be shifted, I'm sure the house could be turned so they would require a smaller rear yard variance but they would require a front yard variance.

MS. LOCEY: Whereas they don't need the front yard variance where it's proposed to be located on the lot now?

MR. BABCOCK: Right.

MR. KANE: I think what I'm going to do is I'm going to use my prerogative and make a decision that I would like to request from a board member a motion to table this particular hearing, I will make that decision and allow you to get back to the company, tell them what went on tonight with their neighbors and the problems that they have, offer them a couple of, tell them to take a look at it and then we'll come back and open it up probably the second meeting in November, there's only one meeting, it's on the 14th, November 14th. We, everybody is invited to come back, we will not be reopening the public portion though, that's closed, if we could, could we get a copy of the names and addresses of the people that were here tonight and fax them over to them so that they have them so maybe they can talk to the people that are in that area?

MR. BABCOCK: Mr. Chairman, are you looking to spin the house because I'll talk to them myself, are you looking to spin the house?

MR. KANE: Well, my opinion and I don't live there so I don't know what that's worth, okay, I live in Butterhill, we have our own problems, my opinion is they're going to put something there, I don't know any construction company that wouldn't build on a legal piece of property, so I prefer to see something that's more that goes with the neighborhood than a builder coming in and saying we'll do it by site and there's a 15 story McDonald's that's this wide, I'd rather go back and let them make that decision. I would prefer they put a house there that goes with the particular neighborhood.

MR. BABCOCK: If they have a model that's smaller than this that would be one if they turn the house because I think the lady that's I'm going to say most affected the one with the 13 foot rear yard there if they were, she doesn't want a smaller house, she doesn't want a little ranch there so--

MR. KANE: Too small of a house is going to change the nature of the neighborhood.

MR. BABCOCK: If they have a smaller model, if not, if this is it, they turn it, require a front yard variance we'll look where the utilities are and get it farther away from that rear property.

MR. KANE: And at this point, I'd like them to address what is going to happen with the drainage going down because if these people who are higher are having a problem that piece of property there is in trouble, just looking at the pictures, I mean, that's, although it's never the same as what you see, they could build up a little, you know, I'm not that smart when it comes to construction.

MS. LOCEY: As proposed, does this rear yard compare to other existing rear yards in the development?

MR. BABCOCK: Well, you know, I mean, just for instance the one that was in here tonight it was a deck and that was requested at 2415 Settlers Ridge and they requested an eight foot six inch rear yard setback, so they want to be, I don't have the file there but they want to be within 8 feet of the rear property line.

MR. KANE: It's tight over there no matter what piece of property you've got.

MS. LOCEY: Just want to be satisfied that the developer has tried everything he can.

MR. BABCOCK: If you look at the sample of the house with Independence Drive, I don't know, I personally and it doesn't count cause I don't live there but I personally don't think it should sit that much angled.

MR. KANE: That's why I want to give them an

opportunity to meet with their neighbors and do that. I had to give you a chance, we have to reopen it again because we have another one, but I have already closed the public so we've got another one to do.

MS. LOCEY: Did we hear how many mailings were sent out?

MR. KANE: Not yet, no, I haven't gotten there yet.

MR. REIS: If we can provide also as long as you're going back to your builder perhaps provide plantings, a buffer in terms of absorption and drainage.

MR. KANE: For the record, how many mailings did we have, Myra?

MS. MASON: On the 5th of October, I mailed out 60 envelopes.

MR. KANE: So I would at this point request the board member make a motion that we table.

MS. LOCEY: I will offer a motion that we table this application for Mt. Airy Estates for their request for a 17 foot rear yard setback at 2029 Independence Drive.

MR. KANE: To be taken up again at November 14th.

MR. REIS: Second it.

ROLL CALL

MS. GANN	AYE
MS. LOCEY	AYE
MR. BROWN	AYE
MR. REIS	AYE
MR. KANE	AYE

MS. SCOTT: Do you want to hear information back from

us before the November 14 day?

MR. KANE: If you can get us any information to Myra she'll get it to us that would be good.

MR. REIS: Off the record.

(Discussion was held off the record)

MR. KANE: What I'm going to do we have a second home obviously 2657 which we have to hear, we're going to open up, I have to open it up, we have a public hearing tonight, I'm going to open it up and, I mean, it's basically the same statements, the same arguments to a degree on that and what I am going to do is not open the public portion of that hearing until the next meeting and we'll open that particular public portion of the hearing then and then we can rephrase whatever we need to at that point. Does that seem reasonable? Okay.



RESULTS OF Z.B.A. MEETING OF:

November 4, 2025

PROJECT: Mt. Airy Est. 2029 Independence Dr. ZBA # 05-55

P.B.# \_\_\_\_\_

USE VARIANCE: \_\_\_\_\_ NEED: EAF \_\_\_\_\_ PROXY \_\_\_\_\_



LEAD AGENCY: M) \_\_\_\_\_ S) \_\_\_\_\_ VOTE: A \_\_\_\_\_ N \_\_\_\_\_

GANN \_\_\_\_\_  
LOCEY \_\_\_\_\_  
BROWN \_\_\_\_\_  
MCDONALD \_\_\_\_\_  
REIS \_\_\_\_\_  
KANE \_\_\_\_\_

CARRIED: Y \_\_\_\_\_ N \_\_\_\_\_

PUBLIC HEARING: M) \_\_\_\_\_ S) \_\_\_\_\_ VOTE: A \_\_\_\_\_ N \_\_\_\_\_

GANN \_\_\_\_\_  
LOCEY \_\_\_\_\_  
BROWN \_\_\_\_\_  
MCDONALD \_\_\_\_\_  
REIS \_\_\_\_\_  
KANE \_\_\_\_\_

CARRIED: Y \_\_\_\_\_ N \_\_\_\_\_

NEGATIVE DEC: M) \_\_\_\_\_ S) \_\_\_\_\_ VOTE: A \_\_\_\_\_ N \_\_\_\_\_

GANN \_\_\_\_\_  
LOCEY \_\_\_\_\_  
BROWN \_\_\_\_\_  
MCDONALD \_\_\_\_\_  
REIS \_\_\_\_\_  
KANE \_\_\_\_\_

CARRIED: Y \_\_\_\_\_ N \_\_\_\_\_

APPROVED: M) \_\_\_\_\_ S) \_\_\_\_\_ VOTE: A \_\_\_\_\_ N \_\_\_\_\_

GANN \_\_\_\_\_  
LOCEY \_\_\_\_\_  
BROWN \_\_\_\_\_  
MCDONALD \_\_\_\_\_  
REIS \_\_\_\_\_  
KANE \_\_\_\_\_

CARRIED: Y \_\_\_\_\_ N \_\_\_\_\_

## ALL VARIANCES - PRELIMINARY APPEARANCE:

SCHEDULE PUBLIC HEARING: M) \_\_\_\_\_ S) \_\_\_\_\_ VOTE: A \_\_\_\_\_ N \_\_\_\_\_

GANN \_\_\_\_\_  
LOCEY \_\_\_\_\_  
BROWN \_\_\_\_\_  
MCDONALD \_\_\_\_\_  
REIS \_\_\_\_\_  
KANE \_\_\_\_\_

CARRIED: Y \_\_\_\_\_ N \_\_\_\_\_

PUBLIC HEARING: STATEMENT OF MAILING READ INTO MINUTES ☒VARIANCE APPROVED: M) B S) RS VOTE: A 4 N 0.

~~GANN~~ \_\_\_\_\_  
LOCEY \_\_\_\_\_  
BROWN \_\_\_\_\_  
MCDONALD \_\_\_\_\_  
REIS \_\_\_\_\_  
KANE \_\_\_\_\_

CARRIED: Y ☒ N \_\_\_\_\_

Mr. & Mrs. Percy + Christine Diaz: Agreed to Drainage  
Improvements  
Applicant will add additional catch basin

TOWN OF NEW WINDSOR ZONING BOARD OF APPEALS

PUBLIC HEARING FOR: Mt. Airy Est. 05-55

DATE: 11/14/05

SIGN-IN SHEET

	NAME	ADDRESS	PHONE NUMBER
1.	<u>Pierre Percy</u>		
2.	<u>Stephany Percy</u>		
3.	<u>Christine Diaz</u>		
4.			
5.			
6.			
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19.			
20.			



November 14, 2005

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PUBLIC HEARINGS:

MT. AIRY ESTATES (05-55)

MR. KANE: Request for 17 ft. rear yard setback for proposed single-family house at 2029 Independence Drive.

Mr. Tino Calinda appeared before the board for this proposal.

MR. KANE: Can I have a motion to continue this particular hearing, take it up off the table?

MS. LOCEY: I'll make a motion to continue the public hearing on Mt. Airy Estates from our last meeting.

MR. REIS: Secoond it.

ROLL CALL

MS. LOCEY	AYE
MR. BROWN	AYE
MR. REIS	AYE
MR. KANE	AYE

MR. KANE: Okay, we had some issues with the public last time.

MR. CALINDA: Correct.

MR. KANE: You want to, you're familiar with that?

MR. CALINDA: Yes.

MR. KANE: Prepared to address it?

MR. CALINDA: Yes, what I heard was some of the issues was some drainage situations that we have on the adjacent lots to this house here and what I proposed to

the homeowners was to put in a catch basin before their lots to catch the water before it comes across their lots.

MR. KANE: Have they received that?

MR. CALINDA: No, it's not been installed yet, no.

MR. KANE: How did they receive that?

MR. CALINDA: I feel that they received it pretty well.

MR. KANE: Is there anybody in the audience for this particular hearing tonight? Okay, come on up, I know I said I wasn't going to reopen this one to the public but I changed my mind, especially since he said he spoke to you, so, therefore, I think it reasonable that we hear from you about the conversation and how you felt about it.

MR. PERCY: Pierre Percy, 2658 Liberty Ridge.

MS. PERCY: Stephanie Percy, 2658 Liberty Ridge.

MS. DIAZ: Christine Diaz, 2804 Cherry Tree Way.

MR. KANE: Sorry.

MR. PERCY: I did speak to Tino and he proposed a catch basin and he will run a pipe underneath and tie it to the drainage.

MR. CALINDA: Existing storm water.

MR. KANE: That satisfies?

MR. CALINDA: I did not mention that to Christine.

MR. KANE: How do you feel about that?

MS. DIAZ: He did mention it to me, that sounds great to me if I can use my whole back yard that would be fabulous. I think, you know, my concern wasn't entirely the drainage, I happen to be the property that will be 13 feet from this house, so that's my concern.

MR. KANE: I remember.

MS. DIAZ: In addition--

MR. KANE: Do you remember what I told you? You have a choice, he can either put a house there that will fit the neighborhood or he can go in and just build something that he doesn't need to be here with so you need to tell us how you feel.

MS. DIAZ: I did last time so I'm here to reiterate, I guess, because I wasn't ever contacted by the builder regarding what we had talked about so what I'm wondering is why can't we or can't we push it towards the corner a bit more so that the corner of that home is not just 13 feet from my back yard?

MR. KANE: I'm not going to approve anything that pushes it to towards the corner of an intersection where two streets come in, that's my own opinion on that but I'm only one vote.

MS. DIAZ: Well, even if you pull it towards Cherry Tree Way more.

MR. CALINDA: The only thing this 13 foot will be out in your open space over towards your back yard, your house sits up here, I can see if it was a little closer to the corner of your house.

MS. DIAZ: I'm standing in my back yard, you know, this is it.

MR. CALINDA: This is that catch basin, there's a catch

basin right here that's the property corner there, this is the house is more pushed this way a little bit where it's not going to be affecting so when you put up a fence you're far enough away from this area if you put up a fence but you're far enough where it's not right up on your house, it's more towards the back of your yard.

MS. DIAZ: Where will the house face?

MR. CALLINDA: Towards here.

MS. DIAZ: And the driveway's parallel to our driveway.

MRS. PERCY: The driveway's on your side?

MS. DIAZ: Yes. I have no windows on this side of my house, so I don't care if it's close to the house cause I won't see it but to your point if this is really my yard here in terms of my usable space for playing, entertaining whatever could we do something where we put trees or are we going to have to put a retaining wall because the property does slope down a little bit?

MR. CALINDA: Yes, we'll have, there's a grading plan that will be done on this where no water will be pushed to your yards, if anything, it will be brought to the catch basin here and there's a catch basin also in front of the yard and there's also another catch basin over in here so the water will not be pushed back on your yard cause like you said, your yard is a downward slope towards this house so I'll be taking the water to one of the other catch basins on the property instead of leaving it.

MS. DIAZ: But I'm thinking aesthetically too besides the engineering part of it, you know, if we can do something where we do it where you guys provide a tree, something here.

MR. CALINDA: We can provide a small berm or something like that, like a topsoil berm and you can put some trees on it.

MR. KANE: We can't stay all night just rehashing this so bottom line are you, do you approve of his putting in the catch basins and no problem with the--

MR. PERCY: No problem.

MR. KANE: Ma'am?

MS. DIAZ: Catch basin, sure.

MR. KANE: It's about 17 feet, ma'am, you can't change it, that's what we're talking about. Are you for it or against it? Again, if we don't and we turn it down then he's not forced to put any catch basins in and he can build whatever he wants.

MR. PERCY: Catch basin's already in, right?

MR. CALINDA: Yeah, he's talking about the one that I'm going to add in.

MR. KANE: Talking about the one that he's going to add in to help with the drainage, we can't, we lose our power to force him to do that.

MS. DIAZ: So there's no, cause when we left last week, I had proposed the idea about moving the house towards the corner and it wasn't, it was bounced back and forth amongst the members I think so it wasn't clear though that was absolutely not an option.

MR. KANE: Nobody said it's not an option, I said I was against it, there's three other members here, people to vote, all I'm doing is giving my point of view which is why I'm here.

MS. DIAZ: I appreciate that, that's why I'm asking the question, I don't understand how this necessarily works, so the concern is by pushing it this way it blocks corner traffic view.

MR. CALINDA: You have a triangle view, you can't really come into, for the car coming down Cherry Tree Way.

MS. DIAZ: Can't see what's coming the other way.

MR. KANE: Not going to move it any closer to that corner.

MR. CALINDA: You have 12 foot setbacks between your neighbor's houses on the sides there's 12 feet, it's not going to really throw it out, I mean, it's not right up near your house on this side, it's out into both of your way back yards.

MR. KANE: Okay.

MRS. PERCY: Is this going to be a two car garage house?

MR. CALINDA: Standard Laurel, it's not the smallest house in the development, it's not the biggest, it's about 2,300 square feet, nice size house and it will be two car, side will come in off Cherry Tree.

MR. KANE: Okay.

MR. CALINDA: We have a couple of those in the development already, it's not something out of the ordinary.

MR. KANE: Okay.

MR. PERCY: Now that he's taking care of the drainage I'm not concerned about this, I'm more concerned about

the other property.

MR. KANE: Coming up next, thank you. At this point, I'll close the public portion of the hearing, bring it back to the board and I'll accept a motion unless there's some other questions.

MR. REIS: No questions.

MS. LOCEY: I do want to make sure that the 13 feet is similar to other distances between both of these property lines.

MR. KANE: Yeah, my development is 12 foot on the property line, all of Butterhill is 12 foot.

MR. BABCOCK: The side yard is coming down Cherry Tree Lane, this lady's house which is next to that all the side yards if their Independence Road wasn't there, the requirement's 13 feet, the requirement's 12 feet, excuse me, so all these houses are built with 12 foot side yards.

MR. KANE: I'll accept a motion.

MR. BROWN: I'll make a motion.

MR. REIS: Excuse me, we talked about a possible berm, is that going to be part of this?

MR. KANE: No, what's going to be part of it is the catch basin.

MR. CALINDA: Catch basin, yes, one property up between lots 77 on the corner of 77-1-10, 77-1-11 and 77-1-13.

MR. BABCOCK: Mr. Chairman, I think the berm could cause some possible more drainage problems.

MR. KANE: I'm not for it, I think the catch basins

November 14, 2005

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will handle it. All you're doing is stopping the water and it's going to puddle on the other side of the berm.

MR. KRIEGER: So that I understand so the catch basin would be a condition?

MR. KANE: Yes.

MR. BROWN: Make a motion that we set up, we grant the Mt. Airy Estates request for 17 foot rear yard setback for proposed single-family house at 2029 Independence Drive corner lot in an R-3 zone.

MS. LOCEY: Subject to the construction of a catch basin prior to.

MR. REIS: Second it.

ROLL CALL

MS. LOCEY	AYE
MR. BROWN	AYE
MR. REIS	AYE
MR. KANE	AYE





RESULTS OF Z.B.A. MEETING OF:

October 27, 2005

PROJECT: Mt Airy Est - 2029 Independence Drive ZBA # 05-55

P.B.# \_\_\_\_\_

USE VARIANCE: NEED: EAF \_\_\_\_\_ PROXY \_\_\_\_\_



LEAD AGENCY: M) \_\_\_\_\_ S) \_\_\_\_\_ VOTE: A \_\_\_\_\_ N \_\_\_\_\_

GANN \_\_\_\_\_

LOCEY \_\_\_\_\_

BROWN \_\_\_\_\_

MCDONALD \_\_\_\_\_

REIS \_\_\_\_\_

KANE \_\_\_\_\_

CARRIED: Y \_\_\_\_\_ N \_\_\_\_\_

PUBLIC HEARING: M) \_\_\_\_\_ S) \_\_\_\_\_ VOTE: A \_\_\_\_\_ N \_\_\_\_\_

GANN \_\_\_\_\_

LOCEY \_\_\_\_\_

BROWN \_\_\_\_\_

MCDONALD \_\_\_\_\_

REIS \_\_\_\_\_

KANE \_\_\_\_\_

CARRIED: Y \_\_\_\_\_ N \_\_\_\_\_

NEGATIVE DEC: M) \_\_\_\_\_ S) \_\_\_\_\_ VOTE: A \_\_\_\_\_ N \_\_\_\_\_

GANN \_\_\_\_\_

LOCEY \_\_\_\_\_

BROWN \_\_\_\_\_

MCDONALD \_\_\_\_\_

REIS \_\_\_\_\_

KANE \_\_\_\_\_

CARRIED: Y \_\_\_\_\_ N \_\_\_\_\_

APPROVED: M) \_\_\_\_\_ S) \_\_\_\_\_ VOTE: A \_\_\_\_\_ N \_\_\_\_\_

GANN \_\_\_\_\_

LOCEY \_\_\_\_\_

BROWN \_\_\_\_\_

MCDONALD \_\_\_\_\_

REIS \_\_\_\_\_

KANE \_\_\_\_\_

CARRIED: Y \_\_\_\_\_ N \_\_\_\_\_

## ALL VARIANCES - PRELIMINARY APPEARANCE:

SCHEDULE PUBLIC HEARING: M) \_\_\_\_\_ S) \_\_\_\_\_ VOTE: A \_\_\_\_\_ N \_\_\_\_\_

GANN \_\_\_\_\_

LOCEY \_\_\_\_\_

BROWN \_\_\_\_\_

MCDONALD \_\_\_\_\_

REIS \_\_\_\_\_

KANE \_\_\_\_\_

CARRIED: Y \_\_\_\_\_ N \_\_\_\_\_

PUBLIC HEARING: STATEMENT OF MAILING READ INTO MINUTES ✓

VARIANCE APPROVED: M) L S) R VOTE: A \_\_\_\_\_ N \_\_\_\_\_GANN ALOCEY ABROWN AMCDONALD AREIS AKANE ACARRIED: Y ✓ N \_\_\_\_\_

Tabled to 11-14-05

Mrs. Percy has a drainage problem existing

Tabled Public Hearing - November 14th

Fax names of Homeowners to atty

Applicant to address drainage problems

To The Town Board of New Windsor,

10/24/05

We are writing this letter to inform the Town Board of New Windsor (zoning department) that we are strongly opposed to the proposed variances for the addresses of 2029 Independence Dr. (Lot 77 - 1 - 12) and 2657 Liberty Ridge Rd (Lot 64 - 2 - 24) in the development, "The Reserve". These lots are much smaller than the standard .25 acre lots of the other homes in the development. Furthermore, the homes proposed are three bedroom homes compared to the four bedroom homes throughout the development. Building smaller homes on these lots will **decrease the value of the surrounding homes** and will simply look "cramped". There will be nearly four hundred homes in this development when it is completed, does the builder really need the profits from two more? Most homes range from about 2500 - 3,000 plus square feet. The large majority of these homes are on quarter acre lots, not very big for the size homes that are being built. Moreover they are tightly packed with four homes to an acre. We would greatly appreciate not "squeezing" any more home in on even smaller lots. *Please take the feelings and opinions of the neighbors surrounding these lots to heart when ruling tonight, after all, we are the residents who will be negatively impacted the most.*

Thank you for your time and consideration.

Sincerely,

*Mr. James Berkowitz*  
*Mrs. Paula Berkowitz*  
Mr. & Mrs James Berkowitz  
2028 Independence Dr.  
New Windsor, N.Y. 12553

p.s.( The following residents have also signed this letter in **opposition** of the proposed variances and in support of this letter.)

*Received at 10/24/05 ZBA Meeting*

Residents NameAddress

1. Steven Lui 2902 McKinley Ct., New Windsor
2. DEL F. FRANCO 2032 INDEPENDENCE DR., N.W.
3. Joe Cavallo Joe Cavallo 2906 McKinley Ct.
4. GEORGE WEIR & Wm. 2037 Independence Dr. New Windsor
5. Herri Bianchi HFB 2654 Liberty Ridge, New Windsor
6. Brian Breheny Bm Breheny 2644 Liberty Ridge, New Windsor
7. Jodi Breheny Jodi Breheny 2644 Liberty Ridge, New Windsor
8. Rich WALKER Rich Walker 2655 LIBERTY RIDGE, New Windsor
9. Isabel + John Hernandez Isabel + John Hernandez 2904 McKinley Court, New Windsor
10. Stephanie Percy ~~Stephanie Percy~~ 2658 Liberty Ridge, New Windsor
11. Stephanie Percy 2658 Liberty Ridge
12. Carole Frazer 2801 Cherry Tree Way
13. Sammy Muzer 2801 CHERRY TREE
14. Monique Nevri 2026 Independence Dr.
15. Christine + Luis Diaz 2804 Cherry Tree Way

TOWN OF NEW WINDSOR ZONING BOARD OF APPEALS

PUBLIC HEARING FOR: Mt. Airy Estates - 2029 Independence Dr.

DATE: 10-24-05

SIGN-IN SHEET

	NAME	ADDRESS	PHONE NUMBER
1.	PIERRE PERCY	2658 Liberty Ave	567-3071
2.	Monique Heavin	2026 Independence	567-0626
3.	Christine Diaz	2804 Cherry Tree Way	567-0802
4.	RICHARD WATKIN	2655 LIBERTY RIDGE	# 569-8646
5.			
6.			
7.			
8.			
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10.			
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12.			
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15.			
16.			
17.			
18.			
19.			
20.			

**ZONING BOARD OF APPEALS: TOWN OF NEW WINDSOR  
COUNTY OF ORANGE: STATE OF NEW YORK**

# AFFIDAVIT OF SERVICE BY MAIL

**#05-55**

# X

STATE OF NEW YORK )  
 ) SS:  
COUNTY OF ORANGE )

**MYRA L. MASON, being duly sworn, deposes and says:**


That I am not a party to the action, am over 18 years of age and reside at 67 Bethlehem Road, New Windsor, NY 12553.

That on the 5TH day of OCTOBER, 2005, I compared the 60 addressed envelopes containing the Public Hearing Notice pertinent to this case with the certified list provided by the Assessor's Office regarding the above application for a variance and I find that the addresses are identical to the list received. I then placed the envelopes in a U.S. Depository within the Town of New Windsor.

**Sworn to before me this**

Myra Mason  
Myra L. Mason, Secretary

11<sup>th</sup> day of October, 20 05

  
Notary Public

**JENNIFER MEAD**  
**Notary Public, State Of New York**  
**No. 01ME6050024**  
**Qualified In Orange County**  
**Commission Expires 10/30/2006**



# Town of New Windsor

555 Union Avenue  
New Windsor, New York 12553  
Telephone: (845) 563-4615  
Fax: (845) 563-4689

## ZONING BOARD OF APPEALS

October 4, 2005

New Windsor Development Co., LLC  
16 Microlab Road - Suite D  
Livingston, NJ 07039

SUBJECT: REQUEST FOR VARIANCE #05-55

Dear Mr. Rosenzweig:

This is just to let you know your Notices for Public Hearing were mailed out and the notice was also sent to The Times Herald Record Newspaper for publication. **PLEASE NOTE: The charge for publication in the Times Herald Record will be deducted from your escrow that was posted with your application papers.**

Your Public Hearing before the Zoning Board of Appeals for your requested variance at:

2029 Independence Drive  
New Windsor, NY

is scheduled for the OCTOBER 24, 2005 agenda.

This meeting starts at 7:30 p.m. and is held in the Town Meeting Room at Town Hall. If you have any questions or concerns in this matter, please feel free to contact me.

Very truly yours,

---

Myra Mason, Secretary  
Zoning Board of Appeals

MLM:mlm



# Town of New Windsor

555 Union Avenue  
New Windsor, New York 12553  
Telephone: (845) 563-4631  
Fax: (845) 563-3101  
J. Todd Wiley, IAO

## Assessor's Office

August 31, 2005

New Windsor Development (Marvin Rosenzweig)  
16 Microlab Road  
Livingston, NJ 07039

Re: 77-1-12

ZBA#: 05-55 (60)

Dear: Mr. Rosenzweig:

According to our records, the attached list of property owners are within five hundred (500) feet of the above referred property.

The charge for this service is \$75.00, minus your deposit of \$25.00.

Please remit the balance of \$50.00 to the Town Clerk's Office.

Sincerely,

J. Todd Wiley, IAO  
Sole Assessor

JTW/LK  
Attachments

CC: Myra Mason, Zoning Board

77-1-16  
Junior Gonsalves  
2810 Cherry Tree Way  
New Windsor, NY 12553

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77-1-15  
Brian & Maria Lewis  
2808 Cherry Tree Way  
New Windsor, NY 12553

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77-1-14  
Eric & Linda Spisany  
2806 Cherry Tree Way  
New Windsor, NY 12553

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77-1-13  
Luis Diaz & Christine Lohrfink Diaz  
2804 Cherry Tree Way  
New Windsor, NY 12553



77-1-11  
Pierre Percy & Stephanie Wright Percy  
2658 Liberty Ridge  
New Windsor, NY 12553

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77-1-10  
Jose & Maye Terrazola  
2656 Liberty Ridge  
New Windsor, NY 12553

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77-1-9  
Anthony & Kerri Bianchi  
2654 Liberty Ridge  
New Windsor, NY 12553

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77-1-8  
Derek Barbier & Maritza DeJesus Barbier  
2652 Liberty Ridge  
New Windsor, NY 12553

77-2-9

Antonio & Maria Tommasi  
2809 Cherry Tree Way  
New Windsor, NY 12553

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77-2-8

Daniel & Lydia Bonilla  
2811 Cherry Tree Way  
New Windsor, NY 12553

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77-1-18

Donald & Karlene Mitchell  
2814 Cherry Tree Way  
New Windsor, NY 12553

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77-1-17

Richard & Josephine Romano  
2812 Cherry Tree Way  
New Windsor, NY 12553

77-2-13  
Larry Frazier  
2801 Cherry Tree Way  
New Windsor, NY 12553

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77-2-12  
Ramon Jr. & Ramon Sr. Cardona  
2803 Cherry Tree Way  
New Windsor, NY 12553

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77-2-11  
Antonio & Laura Nastro  
2805 Cherry Tree Way  
New Windsor, NY 12553

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77-2-10  
Salvatore & Angela Allegra  
2807 Cherry Tree Way  
New Windsor, NY 12553

77-3-5  
Gerald Hopkins  
2018 Independence Dr.  
New Windsor, NY 12553

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77-3-4  
Scott & Cyndee Weiss  
2203 Reveres Run  
New Windsor, NY 12553

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Robert & Erinn Chatfield  
2205 Reveres Run  
New Windsor, NY 12553

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77-3-2  
James & Nancy Keating  
2207 Reveres Run  
New Windsor, NY 12553

77-3-1  
Thomas Morris  
2209 Reverses Run  
New Windsor, NY 12553

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77-2-20  
John & Nocole White  
2714 Colonial Dr.  
New Windsor, NY 12553

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77-2-19  
Mark & Patricia Mayberry  
2712 Colonial Dr.  
New Windsor, NY 12553

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77-2-18  
Laverne Bey  
2710 Colonial Dr.  
New Windsor, NY 12553

77-2-17

Christopher & Jennifer Bautista  
2708 Colonial Dr.  
New Windsor, NY 12553

---

77-2-16

Maria Stewart  
2706 Colonial Dr.  
New Windsor, NY 12553

---

77-2-15

Aretha & Nora Adjei Antwi  
2704 Colonial Dr.  
New Windsor, NY 12553

---

77-2-14

John & Gloria Brown  
2702 Colonial Dr.  
New Windsor, NY 12553

77-3-11  
Steven Lui  
2902 Mc Kinley Ct.  
New Windsor, NY 12553

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77-3-8  
Thomas & Silvana Spisany  
2024 Independence Dr.  
New Windsor, NY 12553

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77-3-7  
William Chavers III  
2022 Independence Dr.  
New Windsor, NY 12553

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77-3-6  
Tyree & Carolyn Smallwood  
2020 Independence Dr.  
New Windsor, NY 12553

77-6-14  
Jeffrey & Giuseppina Saracino  
2701 Colonial Dr.  
New Windsor, NY 12553

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77-6-11  
Amir & Farida Islam  
2707 Colonial Dr.  
New Windsor, NY 12553

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77-4-4  
Michael & Christine Masterson  
2206 Reveres Run  
New Windsor, NY 12553

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77-4-1  
Christopher & Helen Lynch  
2212 Reveres Run  
New Windsor, NY 12553



77-3-12  
John & Isabel Hernandez  
2904 Mc Kinley Ct.  
New Windsor, NY 12553

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77-3-9  
Todd & Monique Neavin  
2026 Independence Dr.  
New Windsor, NY 12553

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64-2-26  
Rolly & Susana Tina  
2653 Liberty Ridge  
New Windsor, NY 12553

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77-6-19  
Yelena Lakhman  
2610 Liberty Ridge  
New Windsor, NY 12553

77-6-20  
David & Ellen Olsen  
2612 Liberty Ridge  
New Windsor, NY 12553

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77-6-12  
Dorcas Peralta  
2705 Colonial Dr.  
New Windsor, NY 12553

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77-6-9  
James Porter & Carmelle Leo Mathelier  
2711 Colonial Dr.  
New Windsor, NY 12553

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77-4-2  
James & Maritza Shapiro  
2210 Reverses Run  
New Windsor, NY 12553

77-4-3

Thomas & Doreen Gleason  
2208 Reveres Run  
New Windsor, NY 12553

---

77-3-13

Joseph & Kathi Cavallo  
2906 Mc Kinley Ct.  
New Windsor, NY 12553

---

77-3-10

Carolyn & James Berkowitz  
2028 Independence Dr.  
New Windsor, NY 12553

---

64-2-27

Agustin & Milagros Dorego  
2651 Liberty Ridge  
New Windsor, NY 12553

64-2-25/23  
Richard & Rosa Walker  
2655 Libert Ridge  
New Windsor, NY 12553

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77-6-18  
Shirlyn Manzano Armstrong &  
Lee Terry Sr. Armstrong  
2608 Liberty Ridge  
New Windsor, NY 12553

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77-6-13  
Claudette Major  
2703 Colonial Dr.  
New Windsor, NY 12553

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77-6-10  
Neal & Theresa Laquinta  
2709 Colonial Dr.  
New Windsor, NY 12553

77-6-15, 77-6-16, 77-6-17, ~~64-2-21, 64-2-22~~  
~~64-2-23~~, & 64-2-24

Mt. Airy Est. Inc  
Attn: Sarna Enterprises  
15 Engle St Ste 100  
Englewood, NJ 07631

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64-2-22  
George and AnnMarie Weir  
2037 Independence Drive  
New Windsor, NY 12553

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64-2-21  
John Weber and Eileen Clarke  
2039 Independence Drive  
New Windsor, NY 12553

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32-2-53  
Newburgh Water Supply  
City Hall  
Newburgh, NY 12550

**PUBLIC HEARING NOTICE**  
**ZONING BOARD OF APPEALS**  
**TOWN OF NEW WINDSOR**

**PLEASE TAKE NOTICE** that the Zoning Board of Appeals of the TOWN OF NEW WINDSOR, New York, will hold a Public Hearing on the following Proposition:

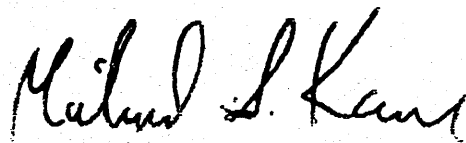
**Appeal No. 05-55**

**Request of MT. AIRY ESTATES (SARNA)**

**for a VARIANCE of the Zoning Local Law to Permit:**

**Request for 17 ft. Rear Yard Setback for proposed single-family house at 2029 Independence Drive (corner lot) in an R-3 Zone (77-1-12)**

**PUBLIC HEARING will take place on OCTOBER 24, 2005**  
**at the New Windsor Town Hall, 555 Union Avenue, New Windsor, New York**  
**beginning at 7:30 P.M.**

A handwritten signature in black ink, appearing to read "Michael S. Kane", written over a horizontal line.

**Michael Kane, Chairman**

**Town of New Windsor**  
**ZONING BOARD OF APPEALS**  
**PUBLIC HEARING NOTICE**

PLEASE TAKE NOTICE that the Zoning Board of Appeals of the TOWN OF NEW WINDSOR, New York, will hold a Public Hearing on the following Proposition:

Appeal No. 05-55  
 Request of MT. AIRY ESTATES (SARNA)

for a VARIANCE of the Zoning Local Law to Permit:

Request for 17 ft. Rear Yard Setback for proposed single-family house at 2029 Independence Drive (corner lot) in an R-3 Zone (77-1-12)

PUBLIC HEARING will take place on October 24, 2005 at the New Windsor Town Hall, 555 Union Avenue, New Windsor, New York beginning at 7:30 P.M.

MICHAEL KANE  
 CHAIRMAN

**Ad Number: 1806862 Advertiser: NEW WINDSOR, TOWN**

Phone: 8455634615 Sys No: 1194114 Coller: MYRA

**INVOKING CUSTOMER:**

Phone: 8455634615 Sys No: 1194114 AcctNo: P.O. No:

Name: NEW WINDSOR, TOWN Subscriber:

Address: ZONING AND PLANNING

555 UNION AVENUE

NEW WINDSOR NY 12553

**ORDER:**

Printed By: THRFODDRIL Date: 10/11/2005 Assigned Sales: TownofNewWindsor PLANNINGBOARD PUBLIC AdType: LINER Order Type: NORMAL

Manual Delay: Box No: Call Back: Y

**NOTES:**

Change Reason:

**INSERTION:**

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Schedule: Start Date - 10/13/2005 End Date - 10/13/2005

Sort: TOWN OF NEW WINDSORZONING BOARD OF APPE

**PRODUCTION:**

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Tearsheets: 1 Proofs: 0 Affidavits: 1 Alt Addr: N

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For fields listed below 0 = NO 1 = YES

Till Forbid: 0 Mult. Content: 0

# TIMES HERALD-RECORD

40 Mulberry Street, Middletown, NY 10940

State of New York:

County of Orange: ss:

**Patricia Foddrill**

Being duly sworn deposes and says that the ORANGE COUNTY PUBLICATIONS Division of Ottaway Newspapers-Radio, Inc. is a corporation organized under the laws of the State of New York and is, at all the times hereinafter mentioned, was the printer and publisher of The Times Herald-Record, a daily newspaper distributed in the Orange, Ulster, Rockland, Dutchess, Pike, PA, Delaware and Sullivan Counties, published in the English language in the City of Middletown, County of Orange, State of New York, that deponent is the

**Legal Advertising Rep.**

of said The Times Herald-Record acquainted with the facts hereinafter stated, and duly authorized by said Corporation to make this affidavit; that the

**Public Notice**

a true printed copy of which is hereunto annexed, has been duly and regularly published in the manner required by law in said The Times Herald-Record in each of its issues published upon each of the following dates, to wit: In its issues of

10/13/05

Signature of Representative:

*Patricia Foddrill*

Sworn in before me this

17

Day of

Oct.

2005

*Gretchen Pina Breedy*

Notary Public, Orange County

GRETCHEN PINA BREEDY  
NOTARY PUBLIC FOR THE STATE  
OF NEW YORK, ORANGE COUNTY  
OATH / SIGNATURE IS ON FILE  
COMMISSION EXPIRES 11/29/2005



September 12, 2005

3

PRELIMINARY MEETINGS:

MT. AIRY ESTATES (05-55)

MR. REIS: Mt. Airy Estates. When you come up, folks, speak loud enough so Fran our stenographer can hear your comments. First preliminary meeting is Mt. Airy Estates, 2029 Independence Drive. Request for 17 ft. rear yard setback for proposed single family house at 2029 Independence Drive. Tell us your name.

MR. ROSENZWEIG: Good evening, my name is Marvin Rosenzweig, I'm representing Mt. Airy Estates.

MR. REIS: Tell us what you want to do, Marvin. If I may interrupt you for a moment in New Windsor, we have preliminary meetings. For those folks that are here for the preliminary, state your purpose and what you hope to accomplish, if there's anything that we need we'll be able to tell you for your public hearing, so it's a two step process. Go ahead.

MR. ROSENZWEIG: Okay, I'm requesting a 17 foot variance, I'm trying to keep all the houses in the development pretty much the same and on this particular corner lot a smaller house would not fit into the envelope so I'm requesting that I put a similar house to the other ones that I have in the neighborhood into the smaller envelope. Just on the side the last time I was here for a variance which might have been a couple years ago, I was told to try to keep get all the lots together that might require a variance and I think we're down to just two and I have, they're both on for tonight.

MR. REIS: Great. Is one of the issues, Michael, the fact that he's on a corner lot?

MR. BABCOCK: No, actually the rear yard is 30 feet, yeah, I guess if it was not a corner lot, it would be

September 12, 2005

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better because he can move it forward which he would still require a variance, Mr. Chairman, just wouldn't be as large.

MR. REIS: Thank you, Mike. Okay, how large is the home you expect to build?

MR. ROSENZWEIG: About 2,200 square feet.

MR. REIS: So it's not overly large for that space.

MR. ROSENZWEIG: No, that's one of the smaller of our houses.

MR. REIS: You're not conflicting with any easements or right-of-ways?

MR. ROSENZWEIG: No.

MR. BABCOCK: Mr. Chairman, maybe we can just verify with the applicant that if there is a rear deck, is there going to be a rear deck?

MR. ROSENZWEIG: Same as we do, just to get out of the house.

MR. BABCOCK: So it would not be involved in the setback, you would stay within the 13 feet or it's just a small porch?

MR. ROSENZWEIG: Just the porch to get out, just the stairs to get out.

MR. REIS: We don't need to increase that variance, Mike?

MR. BABCOCK: No.

MR. KRIEGER: But if he comes back they always come back for a deck.

September 12, 2005

5

MS. GANN: Would the front of the house facing what's here on this picture?

MR. ROSENZWEIG: The front of the house would be on Independence.

MS. GANN: According to this picture where would it be?

MR. ROSENZWEIG: It would be, the front would be here, the driveway would be here and the front would be here.

MS. GANN: Okay.

MR. BABCOCK: Marvin, this is one of the houses that you've built on your lots?

MR. ROSENZWEIG: Yes, in the earlier stages, we don't even build this one anymore, doesn't even, it's a lot smaller than the other ones.

MR. REIS: The front of the house would face here?

MR. ROSENZWEIG: The front of the house would face here.

MR. BABCOCK: Going to face Independence Drive.

MS. LOCEY: In the picture, which is Independence?

MR. ROSENZWEIG: That's it right there.

MS. LOCEY: With the stripe?

MR. ROSENZWEIG: Yes, no, that's, yes, that's Independence.

MS. LOCEY: So the back of the proposed house would face the garage, the back of the house you propose to build would face?

September 12, 2005

6

MR. ROSENZWEIG: I have to get my bearings straight.

MR. BABCOCK: Yeah, that appears to be a house on lot 11, you're correct.

MS. LOCEY: Front's here, back is towards this existing dwelling?

MR. ROSENZWEIG: Exactly.

MR. REIS: And to minimize your or eliminate the variance the house would be considerably much smaller than the rest of the homes?

MR. ROSENZWEIG: In that particular facility.

MR. BABCOCK: To make it smaller, it wouldn't be in the character of the neighborhood with the rest of the homes there.

MR. REIS: Thank you. Any other questions? Hear a motion?

MR. BROWN: Make a motion that we set up Mt. Airy Estates for a public hearing request for 17 foot rear yard setback for a proposed house at 2029 Independence Drive in an R-3 zone.

MS. GANN: Second the motion.

ROLL CALL

MS. GANN	AYE
MS. LOCEY	AYE
MR. BROWN	AYE
MR. REIS	AYE





# Town of New Windsor

555 Union Avenue  
New Windsor, New York 12553  
Telephone: (845) 563-4631  
Fax: (845) 563-3101

J. Todd Wiley, IAO  
**Assessor's Office**

August 31, 2005

New Windsor Development (Marvin Rosenzweig)  
16 Microlab Road  
Livingston, NJ 07039

Re: 77-1-12

ZBA#: 05-55 (60)

Dear: Mr. Rosenzweig:

According to our records, the attached list of property owners are within five hundred (500) feet of the above referred property.

The charge for this service is \$75.00, minus your deposit of \$25.00.

Please remit the balance of \$50.00 to the Town Clerk's Office.

Sincerely,

J. Todd Wiley, IAO  
Sole Assessor

JTW/LK  
Attachments

CC: Myra Mason, Zoning Board

77-1-8  
Derek Barbier & Maritza DeJesus Barbier  
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New Windsor, NY 12553

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Maria Stewart  
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Christopher & Jennifer Bautista  
2708 Colonial Dr.  
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77-2-18  
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2710 Colonial Dr.  
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77-2-19  
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Tyree & Carolyn Smallwood  
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New Windsor, NY 12553

77-3-7  
William Chavers III  
2022 Independence Dr.  
New Windsor, NY 12553

77-3-8

Thomas & Silvana Spisany  
2024 Independence Dr.  
New Windsor, NY 12553

77-3-9

Todd & Monique Neavin  
2026 Independence Dr.  
New Windsor, NY 12553

77-3-10

Carolyn & James Berkowitz  
2028 Independence Dr.  
New Windsor, NY 12553

77-3-11

Steven Lui  
2902 Mc Kinley Ct.  
New Windsor, NY 12553

77-3-12

John & Isabel Hernandez  
2904 Mc Kinley Ct.  
New Windsor, NY 12553

77-3-13

Joseph & Kathi Cavallo  
2906 Mc Kinley Ct.  
New Windsor, NY 12553

77-4-1

Christopher & Helen Lynch  
2212 Revers Run  
New Windsor, NY 12553

77-4-2

James & Maritza Shapiro  
2210 Revers Run  
New Windsor, NY 12553

77-4-3

Thomas & Doreen Gleason  
2208 Revers Run  
New Windsor, NY 12553

77-4-4

Michael & Christine Masterson  
2206 Revers Run  
New Windsor, NY 12553

77-6-9

James Porter & Carmelle Leo Mathelier  
2711 Colonial Dr.  
New Windsor, NY 12553

77-6-10

Neal & Theresa Laquinta  
2709 Colonial Dr.  
New Windsor, NY 12553

77-6-11

Amir & Farida Islam  
2707 Colonial Dr.  
New Windsor, NY 12553

77-6-12

Dorcas Peralta  
2705 Colonial Dr.  
New Windsor, NY 12553

77-6-13

Claudette Major  
2703 Colonial Dr.  
New Windsor, NY 12553

77-6-14

Jeffrey & Giuseppina Saracino  
2701 Colonial Dr.  
New Windsor, NY 12553

77-6-15, 77-6-16, 77-6-17, 64-2-21, 64-2-22  
64-2-23, & 64-2-24  
Mt. Airy Est. Inc  
Attn: Sarna Enterprises  
15 Engle St Ste 100  
Englewood, NJ 07631

77-6-18

Shirlyn Manzano Armstrong &  
Lee Terry Sr. Armstrong  
2608 Liberty Ridge  
New Windsor, NY 12553

77-6-19

Yelena Lakhman  
2610 Liberty Ridge  
New Windsor, NY 12553

77-6-20

David & Ellen Olsen  
2612 Liberty Ridge  
New Windsor, NY 12553

64-2-25

Richard & Rosa Walker  
2655 Libert Ridge  
New Windsor, NY 12553

64-2-26

Rolly & Susana Tina  
2653 Liberty Ridge  
New Windsor, NY 12553

64-2-27

Agustin & Milagros Dorego  
2651 Liberty Ridge  
New Windsor, NY 12553

32-2-53

Newburgh Water Supply  
City Hall  
Newburgh, NY 12550



**Town of New Windsor**  
555 Union Avenue  
New Windsor, NY 12553  
(845) 563-4611

**RECEIPT**  
**#836-2005**

08/31/2005

New Windsor Development Co *ZBA 05-55*  
Suite 100  
570 West Mt. Pleasant Ave.  
Livingston, NJ 07039

Received \$ 50.00 for Zoning Board Fees, on 08/31/2005. Thank you for  
stopping by the Town Clerk's office.

As always, it is our pleasure to serve you.

Deborah Green  
Town Clerk

**TOWN OF NEW WINDSOR**  
**ZONING BOARD OF APPEALS**

**RECEIPT OF ESCROW RECEIVED:**

DATE RECEIVED: 08-29-05

FOR: ESCROW 05-55

FROM:

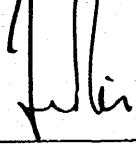
**New Windsor Development Co., LLC**  
**16 Microlab Road - Suite D**  
**Livingston, NJ 07039**

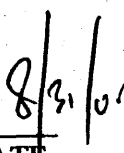
CHECK NUMBER: 109703

TELEPHONE: 973-422-1600

AMOUNT: 300.00

RECEIVED AT COMPTROLLER'S OFFICE BY:

  
\_\_\_\_\_  
NAME

  
\_\_\_\_\_  
DATE

PLEASE RETURN ONE SIGNED COPY TO MYRA FOR FILING

THANK YOU



# Town of New Windsor

555 Union Avenue  
New Windsor, New York 12553  
Telephone: (845) 563-4615  
Fax: (845) 563-4695

## ZONING BOARD OF APPEALS

### WHAT IS NEXT.....

The Zoning Board has just voted to grant your "Request for Variance". The Building Department will contact you within a few days to discuss how to finalize your Building Permit Application.

Within the next few weeks and/or when all charges are received, you will be receiving the balance remaining in your escrow account that was posted upon application to the Zoning Board. You will also be receiving a copy of the "Formal Decision" for this application for your files.

**IF YOU HAVE CHANGED YOUR ADDRESS SINCE APPLICATION WAS SUBMITTED, PLEASE NOTIFY THE ZONING BOARD SECRETARY AT THE ABOVE TELEPHONE NUMBER SO THAT YOUR FORMAL DECISION AND ESCROW BALANCE CAN BE SENT TO YOU WITHOUT DELAY.**

If you have any questions with regard to the above, please feel free to contact me.

Thank you,

Myra Mason,  
Secretary to the ZBA



# **Town of New Windsor**

**555 Union Avenue  
New Windsor, New York 12553  
Telephone: (845) 563-4615  
Fax: (845) 563-4689**

## **ZONING BOARD OF APPEALS**

**August 29, 2005**

**New Windsor Development Co., LLC  
16 Microlab Road - Suite D  
Livingston, NJ 07039**

**SUBJECT: REQUEST FOR VARIANCE #05-55**

**Dear Sir:**

**This letter is to inform you that you have been placed on the September 12, 2005 agenda for the Zoning Board of Appeals to discuss your request for a variance at:**

**2029 Independence Drive  
New Windsor, NY**

**This meeting starts at 7:30 p.m. and is held in the Town Meeting Room at Town Hall. If you have a problem with this time and/or date, please contact me at the above number and we will reschedule your appearance. If you have any further questions, please feel free to contact me.**

**Very truly yours,**

---

**Myra Mason, Secretary  
Zoning Board of Appeals**

**MLM:mlm**

**cc: Mt. Airy Estates  
15 Engle Street - Suite 100  
Englewood, NJ 07631**





## APPLICATION FOR VARIANCE

7.28.05

Date \_\_\_\_\_

**Application Type:** Use Variance ☐ Area Variance ☐  
Sign Variance ☐ Interpretation ☐

### **I. Owner Information:**

Phone Number: (201) 816-1200

## MT. AIRY ESTATES

Fax Number: ( )

(Name)

15 ENGLE ST, SUITE 100 ENGLEWOOD NJ 07631

**(Address)**

**II. Applicant:**

SAME AS ABOVE

Phone Number: (

(Name)

Fax Number: ( )

**(Address)**

**III. Forwarding Address, if any, for return of escrow:**

Phone Number: (973) 422-1600

## NEW WINDSOR DEVELOPMENT CORP.

Fax Number: (823) 422-9460

(Name)

16 MICHLAB ROAD LIVINGSTON NJ 07039

**(Address)**

**IV. Contractor/Engineer/Architect/Surveyor/:**

Phone Number (845) 343-7994

Fax Number: ( )

LEO J CARROLL, P.E., L.S. & ASSOCIATES

(Name)

83 CEMETERY ROAD MIDDLETOWN, NY 10940

(Address)

## V. Property Information:

Zone: R-3 Property Address in Question: 2029 INDEPENDENCE DRIVE

Lot Size: 10026 SF Tax Map Number: Section 77 Block 1 Lot 12

- a. What other zones lie within 500 feet? NONE
- b. Is pending sale or lease subject to ZBA approval of this Application? NO
- c. When was property purchased by present owner? ~ 1970
- d. Has property been subdivided previously? \_\_\_\_\_ If so, When: \_\_\_\_\_
- e. Has an Order to Remedy Violation been issued against the property by the Building/Zoning/Fire Inspector? No
- f. Is there any outside storage at the property now or is any proposed? NO

\*\*\*\*\*PLEASE NOTE:\*\*\*\*\*

**THIS APPLICATION, IF NOT FINALIZED, EXPIRES ONE YEAR FROM THE DATE OF SUBMITTAL.**

**COMPLETE THIS PAGE** ☐

**TOWN OF NEW WINDSOR  
ZONING BOARD OF APPEALS**

**APPLICATION FOR VARIANCE - continued**

**VIII. AREA VARIANCE: (This information will be on your Building Department Denial form you receive)**

Area Variance requested from New Windsor Zoning Local Law,

	<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Min. Lot Area			
Min. Lot Width			
Reqd. Front Yd.			
Reqd. Side Yd.			
Reqd. Rear Yd.	30'	13'	17'
Reqd. St Front*			
Max. Bldg. Hgt.			
Min. Floor Area*			
Dev. Coverage*			
Floor Area Ration**			
Parking Area			

\*Residential Districts Only

\*\*Non-Residential Districts Only

**PLEASE NOTE:**

**THIS APPLICATION, IF NOT FINALIZED, EXPIRES ONE YEAR FROM THE DATE OF SUBMITTAL.**

**COMPLETE THIS PAGE ☐**

**TOWN OF NEW WINDSOR  
ZONING BOARD OF APPEALS**

**APPLICATION FOR VARIANCE - continued**

- IX. In making its determination, the ZBA shall take into consideration, among other aspects, the benefit to the applicant if the variance is granted as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. Also, whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance; (2) whether the benefit sought by the applicant can be achieved by some other method feasible for the applicant to pursue other than an area variance; (3) whether the requested area variance is substantial; (4) whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and (5) whether the alleged difficulty was self-created.

After reading the above paragraph, please describe why you believe the ZBA should grant your application for an Area Variance:

GRANTING THE VARIANCE WILL ENHANCE THE  
VALUE OF THE NEIGHBORHOOD WHILE PREVENTING  
AN UNDESIRABLE CHANGE TO THE CHARACTER  
OF THE NEIGHBORHOOD AND THE NEARBY  
PROPERTIES. THERE IS NO ADVERSE EFFECT  
OR IMPACT. THE SITUATION WAS NOT  
SELF CREATED.

**PLEASE NOTE:**

**THIS APPLICATION, IF NOT FINALIZED, EXPIRES ONE YEAR FROM THE DATE OF SUBMITTAL.**



**XII. ADDITIONAL COMMENTS:**

- (a) Describe any conditions or safeguards you offer to ensure that the quality of the zone and neighboring zones is maintained or upgraded and that the intent and spirit of the New Windsor Zoning Local Law is fostered. (Trees, landscaped, curbs, lighting, paving, fencing, screening, sign limitations, utilities, drainage.)
- 
- 

**XIII. ATTACHMENTS REQUIRED:**

- ☐ Copy of contract of sale, lease or franchise agreement. Copy of deed and title policy.
- ☐ Copy of site plan or survey (if available) showing the size and location of the lot, buildings, facilities, utilities, access drives, parking areas, trees, landscaping, fencing, screening, signs, curbs, paving and streets within 200 ft. of the lot in question.
- ☐ Copies of signs with dimensions and location.
- ☐ Three checks: (each payable to the TOWN OF NEW WINDSOR)
  - ☐ One in the amount of \$ 300.00 or 500.00 , (escrow)
  - ☐ One in the amount of \$ 50.00 or 150.00 , (application fee)
  - ☐ One in the amount of \$ 25.00 , (Public Hearing List Deposit)
- ☐ Photographs of existing premises (5 or 6) from several angles. (IF SUBMITTING DIGITAL PHOTOS PRINTED FROM COMPUTER – PLEASE SUBMIT FOUR (4) SETS OF THE PHOTOS.)

**XIV. AFFIDAVIT.**

STATE OF NEW YORK)

) SS.:

COUNTY OF ORANGE )

The undersigned applicant, being duly sworn, deposes and states that the information, statements and representations contained in this application are true and accurate to the best of his/her knowledge or to the best of his/her information and belief. The applicant further understands and agrees that the Zoning Board of Appeals may take action to rescind any variance granted if the conditions or situation presented herein are materially changed.

Sworn to before me this:

29<sup>th</sup> day of JULY 2005.

Mt. Airy Estates, Inc.  
by: [Signature]  
Owner's Signature (Notarized)

Owner's Name (Please Print)

Rita Seiler

Signature and Stamp of Notary **NOTARY SEALER**

Applicant's Signature (If not Owner)

**PLEASE NOTE:**

**NOTARY PUBLIC OF NEW JERSEY**  
**My Commission Expires July 2, 2008**

**THIS APPLICATION, IF NOT FINALIZED, EXPIRES ONE YEAR FROM THE DATE OF SUBMITTAL.**

COMPLETE THIS PAGE ☐

**TOWN OF NEW WINDSOR  
ZONING BOARD OF APPEALS**

**APPLICATION FOR VARIANCE - continued**

**VI. USE VARIANCE:**

Use Variance requested from New Windsor Zoning Local Law,

Section 48-12, Table of R3-ZONE Regs., Col. G-8.

Describe proposal:

REQUIRED REAR YARD DEPTH IS 30'  
PROPOSED DWELLING WILL BE 13' FROM REAR OF  
PROPERTY LINE. REQUESTING 17' VARIANCE  
CORNER LOT

- VII. The legal standard for a "Use Variance" is unnecessary hardship. Describe why you feel unnecessary hardship will result unless the Use Variance is granted. Also state any efforts you have made to alleviate the hardship other than this application.

IF HOUSE IS BUILT WITHOUT REQUESTED VARIANCE  
THE HOUSE WOULD BE SUBSTANTIALLY SMALLER  
THAN THE ~~OTHER~~ HOMES IN THE NEIGHBORHOOD.  
AS WELL ~~AS~~ AFFECTING THE VALUE OF SURROUNDING  
HOMES WITH REGARD TO OTHER HOMES IN  
THE DEVELOPMENT.

**PLEASE NOTE:**

**THIS APPLICATION, IF NOT FINALIZED, EXPIRES ONE YEAR FROM THE DATE OF SUBMITTAL.**

**APPLICANT/OWNER PROXY STATEMENT**

**(or professional representation)**

for submittal to the:  
**TOWN OF NEW WINDSOR ZONING BOARD OF APPEALS**

MT ARLY ESTATES, INC, deposes and says that he resides  
(OWNER)  
at 15 EAGLE ST ENGLEWOOD ~~del~~ in the County of Bergen  
(OWNER'S ADDRESS)  
and State of NEW JERSEY and that he is the owner of property tax map  
(Sec. 77 Block 1 Lot 12)  
designation number (Sec. \_\_\_\_\_ Block \_\_\_\_\_ Lot \_\_\_\_\_) which is the premises described in  
the foregoing application and that he authorizes:

(Applicant Name & Address, if different from owner)

MARVIN ROSENBERG 16 MICROCAB RD LIVINGSTON NJ 07039  
(Name & Address of Professional Representative of Owner and/or Applicant)

to make the foregoing application as described therein.

Date: 8/3/05

Mt. Arly Estates, Inc.  
\*\* Marvin Sarna  
Owner's Signature (MUST BE NOTARIZED)

Sworn to before me this:  
3<sup>RD</sup> day of AUGUST 2005

**NOTA SEALER**  
**NOTARY PUBLIC OF NEW JERSEY**  
**My Commission Expires July 3, 2009**

Lita Seeler

Signature and Stamp of Notary

Applicant's Signature (If different than owner)

[Signature]  
Representative's Signature

**THIS FORM IS TO BE COMPLETED ONLY IF SOMEONE OTHER THAN THE PROPERTY OWNER WILL BE APPEARING AS REPRESENTATION OF THE OWNER AT THE ZBA MEETINGS.**

**\*\* PLEASE NOTE:**

**ONLY OWNER'S SIGNATURE MUST BE NOTARIZED.**

**COMPLETE THIS PAGE ☐**